

ASSEMBLY BILL

No. 99

Introduced by Assembly Member Cohn
(Principal coauthor: Senator Alquist)

January 11, 2005

An act to amend Sections 6345 and 6361 of the Family Code, relating to protective orders.

LEGISLATIVE COUNSEL'S DIGEST

AB 99, as introduced, Cohn. Protective orders: expiration.

Under existing law, in the discretion of the court, the personal conduct, stay-away, and residence exclusion orders contained in a court order issued after notice and a hearing may have a duration of not more than 3 years, subject to termination or modification by further order of the court, as specified.

This bill would provide that these protective orders may have a duration of not more than 10 years, in the discretion of the court. The bill would make an additional conforming change.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6345 of the Family Code is amended to
2 read:
3 6345. (a) In the discretion of the court, the personal conduct,
4 stay-away, and residence exclusion orders contained in a court
5 order issued after notice and a hearing under this article may
6 have a duration of not more than ~~three~~ 10 years, subject to
7 termination or modification by further order of the court either on

1 written stipulation filed with the court or on the motion of a
2 party. These orders may be renewed, upon the request of a party,
3 either for three years or permanently, without a showing of any
4 further abuse since the issuance of the original order, subject to
5 termination or modification by further order of the court either on
6 written stipulation filed with the court or on the motion of a
7 party.

8 (b) Notwithstanding subdivision (a), the duration of any
9 orders, other than the protective orders described in subdivision
10 (a), that are also contained in a court order issued after notice and
11 a hearing under this article, including, but not limited to, orders
12 for custody, visitation, support, and disposition of property, shall
13 be governed by the law relating to those specific subjects.

14 (c) The failure to state the expiration date on the face of the
15 form creates an order with a duration of three years from the date
16 of issuance.

17 SEC. 2. Section 6361 of the Family Code is amended to read:

18 6361. If an order is included in a judgment pursuant to this
19 article, the judgment shall state on its face both of the following:

20 (a) Which provisions of the judgment are the orders.

21 (b) The date of expiration of the orders, which shall be not
22 more than ~~three~~ 10 years from the date the judgment is issued,
23 unless extended by the court after notice and a hearing.